UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,731	05/19/2004	Joost W. D. Pronk van Hoogeveen	03226.414001; SUN040642	7336

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EXAMINER
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ART UNIT	PAPER NUMBER
2193	

NOTIFICATION DATE	DELIVERY MODE
11/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 10/848,731	Applicant(s) PRONK VAN HOOGEVEEN ET AL.
	Examiner JUE WANG	Art Unit 2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 August 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12,18 and 21-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12,18 and 21-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20091108

DETAILED ACTION

1.   Claims 1-12, 18, and 21-27 have been examined.

2.   Claims 13-17, 19, and 20 have been cancelled in Amendment dated 8/26/2009.

Claim Objections

3.   Claims 1 and 18 are objected to because of the following informalities:

Claim 1, line 16, claim 18, lines 22-23, the phrase "remote on-global" appears to be a

typographical error of "remote non-global". Appropriate corrections are requested.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-12, 18, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Blaser et al. (US 7,117,495 B2, hereinafter Blaser), in view of Schaefer (US 2002/0174215

A1).

6.   As per claim 1, Blaser teaches the invention as claimed, including a method for installing

an application, comprising:

creating a non-global zone in a global zone, wherein the global zone executes on a first

operating system (see Figs 1, 3, 4, column 3, lines 42-67, column 4, lines 7-26; EN: layers are

considered as non-global zones);

installing the application in the non-global zone to obtain a remote non-global zone (see

column 9, lines 5-34, column 10, lines 20-24),

packaging, after installing the application in the non-global zone, the remote non-global

zone to obtain an application zone package; and deploying the application zone package in a

target global zone to recreate an installed application in a target non-global zone in the target

global zone, wherein the target global zone executes on a second operating system (i.e., an

application CD is built by recoding a layer of application installation and the layer is exported to

a file for installation on a destination system, see column 10, lines 25-39).

Blaser does not explicitly teach that the non-global zone is an execution environment of

the application, wherein the non-global zone is a partition of the operating system, and wherein

the non-global zone is configured to execute the application.

Schaefer teaches a non-global zone that is an execution environment of the application,

wherein the remote non-global zone is a partition of the operating system, and wherein the non-

global zone is configured to execute the application (i.e., an virtual environment for the

application where each application runs in a private context which provides a private view of

what the system looks like, see Fig 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to have modified Blaser's notion of layers to include an execution environment for the

application that is a partition of an operating system and that executes the application as taught

by Schaefer such that each application is not only provided with its own copy of files, but also a

private view of the system's behavior including system services to keep applications from

interfering with each other (see [0019], [0063] of Schaefer).

7.   As per claim 2, Blaser teaches configuring the non-global zone comprises: determining at

least one application configuration parameter for the application (see column 3, lines 44-46,

column 9, lines 26-34); and

        configuring the remote non-global zone using the at least one application configuration

parameter (see column 4, lines 15-26, column 4, line 66 – column 5, line 2).

8.   As per claim 3, Blaser teaches the at least one configuration parameter comprises a

network port (see column 12, lines 35-39).

9.   As per claim 4, Blaser teaches the at least one configuration parameter comprises a

memory parameter (column 7, lines 48-59).

10.   As per claim 5, Blaser teaches the at least one configuration parameter comprises a user

account (see column 7, lines 59-67).

11.   As per claim 6, Blaser teaches wherein packaging the remote zone comprises: copying

the remote non-global zone to obtain a copy of the remote non-global zone; and converting the

copy of the remote non-global zone into the application zone package (see column 10, lines 20-39).

12.   As per claim 7, Blaser teaches wherein the application zone package is a self-extracting file (see column 8, lines 23-27).

13.   As per claim 8, Blaser teaches wherein the application zone package comprises a configuration script (i.e., the setup program, see column 10, lines 33-37).

14.   As per claim 9, Blaser teaches wherein deploying the application zone package comprises:

accessing the target global zone (see column 10, lines 34-37);

configuring the target non-global zone (see column 4, lines 66-67, column 5, lines 9-10, column 10, lines 34-37);

installing the target non-global zone (see column 10, lines 34-37);

unpacking the application zone package to obtain the remote non-global zone (see column 10, lines 36-39); and

copying a copy of the remote non-global zone into a file space occupied by the target non-global zone (see column 10, lines 36-39).

15.   As per claim 10, Blaser teaches associating the copy of the remote non-global zone in the target global zone with hardware upon which the target global zone is executing (i.e.,

authentication key for a layer construction from Ethernet MAC address, see column 11, lines 39-53).

16.   As per claim 11, Blaser teaches wherein associating the remote non-global zone in the target global zone with the hardware comprises specifying an internet protocol address (i.e., Ethernet MAC address, see column 11, lines 39-53).

17.   As per claim 12, Blaser teaches wherein the remote non-global zone is located in a remote global zone (see Figs 1, 3, 4, column 10, lines 37-39).

18.   As per claims 18 and 21-27, these are the computer system claims of claims 1-11. Therefore, they are rejected using the same reasons as claims 1-11.

Response to Arguments

19.   <u>Rejection of claims under §103(a)</u>:

As per independent claims 1 and 18, Applicants argued that Blaser fails to disclose that the non-global zone is an execution environment and the application layer in Blaser relates to a file storage construct in which files may be stored in particular "application layers". Applicants argued that a modification to Blaser would not be obvious as it ignores the fact that a file storage is not equivalent and may not be modified to be an execution environment. Applicants' arguments have been fully considered and Examiner respectfully disagrees. Examiner agrees that Blaser teaches that notion of non-global zones, i.e., layers, but not that layers are execution

environments that execute applications. However, while the layer system of Blaser is primarily

directed to the separation of files, the notion of using layers to isolate applicants can be extended

to using virtual environments to isolate application context as taught in Schaefer (see Fig 2,

[0004], [0013], [0019]). The proposed modification of Blaser with Schaefer is not to extend a file

storage, but to extend the definition of a layer to include not only separation of files, but also

include a separation of runtime environments with virtual environments using the

implementation details of Schaefer (as detailed in [0021]-[0024]). It would have been obvious to

one of ordinary skill in the art at the time of the invention to have modified Blaser with Schaefer

to expand the notion of a layer to virtual environments such that each application is not only

provided with its own copy of files, but also a private view of the system's behavior including

system services to keep applications from interfering with each other (see [0019], [0063] of

Schaefer).

Conclusion

20.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jue S. Wang whose telephone number is (571) 270-1655. The

examiner can normally be reached on M-Th 7:30 am - 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lewis A. Bullock, Jr./   Jue Wang
Supervisory Patent Examiner, Art Unit 2193   Examiner
                                                     Art Unit 2193